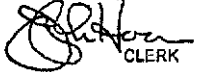


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
NOV 14 2005  
  
CLERK

\*\*\*\*\*  
\*  
JOSE MARIA SANCHEZ, \* CIV. 05-4168  
\*  
Plaintiff, \*  
\*  
vs. \* ORDER DETERMINING  
\* IN FORMA PAUPERIS STATUS  
DOUGLAS L. WEBER, Warden, \*  
\*  
Defendant. \*  
\*\*\*\*\*

It satisfactorily appears from the prison records that the average monthly deposits to plaintiff's prisoner trust account for the past six months was \$10.00, and that his average monthly balance for the past six months was a *negative* \$123.62. The current balance of his prisoner trust account is a *negative* \$55.57.

The court finds that plaintiff is not required by the Prison Litigation Reform Act, 28 U.S.C. § 1915, to make an initial partial filing fee.

Upon the record,

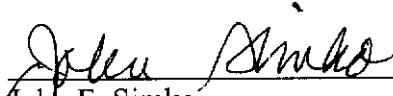
IT IS ORDERED:

1. That plaintiff's motion to proceed in forma pauperis (Doc. 2) is granted, subject to further review to determine if this action should hereafter be dismissed pursuant to 28 U.S.C. § 1915(e)(2).
2. That the institution having custody of the plaintiff is hereby directed that whenever the amount in plaintiff's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall

be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. §  
1915(b)(2), until the filing fee is paid in full.

Dated this 14<sup>th</sup> day of November, 2005.

BY THE COURT:

  
\_\_\_\_\_  
John E. Simko  
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy

(SEAL)